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09/980,374	11/28/2001	Rudolf Stockhammer	HPBC C-87	1335

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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT PAPER NUMBER

2635

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,374

Applicant(s)

STOCKHAMMER, RUDOLF

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Examiner's Response

1. In response to applicant's amendment filed 1-10-05, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 102 & 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-4 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohle '477 (US 6101477) in combination with Hohle '762 (US 6199762) and Oneda (US 5953705).

Hohle '477 discloses a method and apparatus for booking an entitlement such as reserving airline, hotel or rental car using cardholder identification on a data carrier in the form of a smart card or IC card. Communication is provided via access points or terminals 15 that communicate over a telecommunication network 19 shown in fig. 10. Entitlement data may be stored on the card when making the reservation, or upon arrival at the facility, e.g. when the original transaction is off-line. See col. 26 line 34 col. 27 line 39. Hohle '477 discloses off-line

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transactions in col. 12 lines 38-52 and col. 26 lines 59-61 by inputting ID data such as account number by telephone and updating the card from an access terminal with the selected information at a later time, but does not expressly specify details of this operation such as visible data on the carrier.

Hohle '762 discloses a method and apparatus for booking entitlement similar to Hohle '477 and describes "pending transaction" where the user calls a hotel to make a reservation or other transaction using appropriate interface (voice keypad) over a standard telephone as a "smart card not present" transaction rather than an online transaction using the smart card. The transaction is stored in a pending transaction database and downloaded to the card in a smartcard present transaction at access point 102. See col. 14 line 38 - col. 15 line 5 and col. 8 lines 13-25 and col. 5 lines 25-27.

Oneda discloses an analogous art reservation method with IC card that includes visible account number information also stored in memory in figs. 2A-2B and cols. 7-8.

Regarding claim 1, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Hohle '477 the visible data of Oneda to allow the user to ascertain the card ID or number for use in a smartcard not present or offline transactions of Hohle '477 and

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Hohle '762 and suggested by Hohle '477 referring to standard smart cards in cols. 1-3 and standard credit cards with account number in col. 5 lines 29-37 that is typically printed on the credit card and use of such card number in a card not present transaction in col. 12. It further would have been obvious for the "card not present transaction" to have included entitlement booking such as a reservation in view of Hohle '762 describing a "card not present transaction" to include reservation and other transaction and defining a "transaction" to be any message including reservation request and ticket request. Regarding claim 2, Hohle '477, Hohle '762 and Oneda disclose IC or chip card carriers storing identification data and Oneda includes visible indication of the identification data. Regarding claim 3, Hohle '477 includes contactless communication in line 33. Regarding claim 4, Hohle '477 includes a server in claim 14 line 4. Regarding claim 6, the kiosk, desk or access terminals in Hohle '477 or Hohle '762 may be stationary or mobile. Regarding claims 7-8, the telephone transaction of Hole '477 and Hole '762 encompasses typical links such as wired and wireless phones that may include connection or interface to a smartcard in col. 4 lines 9-28 of Hohle '762.

Claim 10 would have been obvious for the same reasons applied above to claim 1. Communication to server is provided

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by "smartcard not present" communication to EDSI in col. 14 lines 39-55 of Hohle '762 where the EDSI includes a server in col. 6 lines 25-31 of Hohle '762.

Claim 11, would have been obvious for the reasons applied above to claim 7.

4. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohle '477 (US 6101477) in combination with Hohle '762 (US 6199762) and Oneda (US 5953705) as applied above and further in view of Asplund (US 5801367).

Asplund discloses an analogous art booking method using a travel pass card with memory storing ID data and display 2 to visibly indicate the data in the memory. See the abstract and col. 2 line 50- - col. 3 line 16. A reservation may be made by telephone and the booking data sent to the destination gate. When the traveler arrives at the gate, the ID is read and the stored data booked by telephone is loaded into the card. See col. 4 lines 31-46. Therefore, the card is automatically updated and does not require the use of special card reading equipment for making reservations. See col. 1 lines 43-63.

Regarding claim 5, communication to only the first terminal would have been obvious in view of Asplund disclosing sending data to a specific destination gate to provide efficient operation.

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Claim 12 would have been obvious for the same reasons applied to claim 5.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hohle '477 (US 6101477) in combination with Hohle '762 (US 6199762) and Oneda (US 5953705) as applied above in view of Pinnow (US 4573046). The data carrier on a watch would have been obvious in view of the watch apparatus of Pinnow for convenient access control.

6. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohle '477 (US 6101477) in combination with Hohle '762 (US 6199762) and Oneda (US 5953705) as applied above in view of Tuttle (US 5448110). Regarding claim 13-14, the a passive RFID on the smartcard data carrier would have been obvious in the combination applied above further in view of Tuttle disclosing a passive RFID tag (transponder) to substitute for power contacts in order to power RF coil smartcards in col. 3 that is suggested by Hole '477 disclosing contactless cards in col. 3.

Response to Arguments

7. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

The 35 USC 112 rejections are overcome by applicant's

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amendments.

Regarding claims 1-12, the argument that Hohle '477 requires an access point with card reader for all transactions is not persuasive because Hohle '477 allows offline transactions and Hole '762 teaches that offline or card not present transaction include access entitlement transactions such as reservations and ticket requests. Communication to server is provided by "smartcard not present" communication to EDSI in col. 14 lines 39-55 of Hohle '762 where the EDSI includes a server in col. 6 lines 25-31. In addition, Asplund is applied to specifically show booking a reservation by telephone where the booked data is loaded onto the card at arrival to a specific terminal or departure gate. This allows registering the reservation into they system without insertion of the card into a reader. The new claims are discussed in the new rejection.

CONTACT INFORMATION

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The

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Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600.

Facsimile submissions may be sent via central fax number 571-273-8300 to customer service for entry by technical support staff. Questions related to the operation of the facsimile system should be directed to the Electronic Business Center at (866) 217-9197. On July 15, 2005, the Central FAX Number will change to.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068.

EH
2/6/06


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635